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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,963	02/23/2004	Denny Chiu	16813-5US	7567
20988	7590	10/17/2005	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			KARIKARI, KWASI	
			ART UNIT	PAPER NUMBER
			2686	
DATE MAILED: 10/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/782,963

Applicant(s)

CHIU ET AL.

Examiner

Kwasi Karikari

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/19/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on July 19, 2004 is in compliance with the provision of 37 CFR 1.97, has been considered by the Examiner, and made of record in the application file.

### **Claim Objections**

Claim 18 is objected to because of the following reasons:

Claim 18, as a dependent claim, cannot depend on itself. It appears claim 18 should depend on claim 17. To expedite prosecution, examiner is considering claim 18 being dependent on claim 17. Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-19** are rejected under 35 U.S.C. 102(b) as being unpatentable over **Martinez (U.S. 20020142792 A1)**.

Regarding **claims 1 and 19**, Martinez discloses a method for a mobile device for controlling user notification of the events comprising:

notifying a user of the occurrence of an event in accordance with a first user notification profile (work environment profile, see Fig. 1, item 50 and Par. [0022])  
defining notification control options; and

switching to a second user notification profile (cell will operate to select user performance information corresponding to the meeting, see Par. [0023]) automatically in response to the satisfaction of a switch condition (meeting time period corresponds to the switching condition, see Par. [0023]) thereby to notify the user in accordance with the second user notification profile (switching from audible ring tone to vibrate only, see Par. [0023]).

Regarding **claim 2**, Martinez discloses the method of claim 1, comprising defining the switch condition (condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Par. [0009]).

Regarding **claim 3**, Martinez discloses the method of claim 2 wherein said switch condition is defined in relation to at least one of a time parameter and a location parameter (condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Par. [0009]).

Regarding **claim 4**, Martinez discloses the method of claim 1 comprising: monitoring the satisfaction of the switch condition to determine the automatic switching (user's preference is selected based on detection of movement into the public network, see Par. [0023]).

Regarding **claim 5**, Martinez discloses the method of claim 2 comprising storing the switch condition in association with a one of the first and second user notification profiles to facilitate re-use of a stored switch condition (user's preference information such as ring tone and volume of the cellular is automatically selected when a specified condition is sensed, see Par. [0008]).

Regarding **claim 6**, Martinez discloses the method of claim 5 wherein defining the switch condition comprises accessing the stored switch condition for re-use (setting the meeting start and finish times, see Par. [0023]).

Regarding **claims 7-9**, Martinez's teaching of switching procedure from one profile to another and the corresponding automatic user preference settings such as ring volume, vibrate and ring tone (see Par. [0021 and 0023]), meets the claimed limitations of claims 7-9.

Regarding **claim 10**, Martinez discloses a mobile device for managing events comprising:

a user interface for the notification of the events, (user preference such as meeting hours, traveling times corresponds to user's notification options such as phone silent, ring tone and ring volume, see Par. [0021]) the notification controlled by a current one of a plurality of profiles each defining notification options, said user interface comprising a profile switch component to automatically switch the current profile from among the plurality in response to a switch condition (Fig. 1 shows an example of switching from a home to a work and to a meeting profiles).

Regarding **claim 11**, Martinez discloses the device of claim 10 wherein the user interface comprises a profile enablement component to define switch conditions for associating with said profiles (condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Par. [0009]).

Regarding **claim 12**, Martinez discloses the device of claim 11 wherein the profile enablement component defines switch conditions in response to at least one of a

time parameter and a device location parameter (condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Par. [0009]).

Regarding **claim 13**, Martinez discloses the device of claim 11 wherein the profile enablement component is adapted to selectively enable a one of said profiles to define the current profile (moving from one of the user's preference to the next upon detection of a specific condition, see Fig. 1).

Regarding **claim 14**, Martinez discloses the device of claim 10 comprising a switch condition monitoring component to monitor the satisfaction of the switch condition to determine the automatic switching (user's preference is selected based on detection of movement into the public network, see Par. [0023]).

Regarding **claim 15**, Martinez discloses the device of claim 11, wherein the user interface is adapted to store the switch condition in association with a one of the profiles to facilitate re-use of the switch condition (user's preference information such as ring tone and volume of the cellular is automatically selected when a specified condition is sensed, see Par. [0008]).

Regarding **claim 16**, Martinez discloses the device of claim 15 wherein the profile enablement component is adapted to access the stored switch condition for re-use (setting the meeting start and finish times, see Par. [0023]).

Regarding **claim 17**, Martinez discloses the device of claim 11 wherein the profile enablement component defines a next profile for switching to upon satisfaction of the switch condition and wherein said profile switch component switches in accordance

with the next profile (moving from one of the user's preference to the next upon detection of a specific condition, see Fig. 1).

Regarding **claim 18**, Martinez discloses the device of claim 17 wherein the next profile is defined in accordance with a last profile enabled immediately prior to the current profile such that said profile switch component switches back to the last profile (cellular phone operates according to user's setting such as meeting, and at a specific time period, until switching to another setting at the end of the meeting, see Par.[0023]).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Chern et al., (U.S. 20020010000 A1)** teaches a knowledge-based information retrieval system and method for wireless communication device.

**Elsey et. al., (U.S. 20040259535 A1)** teaches a technique for providing personalized information and communication services.

**Andrew et. al. (U.S. 20040203656 A1)** teaches a system and method for timed profile change on a mobile device.

**Pierry et al., (U.S. 20010049275 A1)** teaches an automated alert state change of user device for time-based and location-base events.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571- 272 5905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwasi Karikari  
Patent Examiner.

A handwritten signature in black ink, appearing to read 'Charles Appiah', is positioned above the printed name and title.

**CHARLES APPIAH  
PRIMARY EXAMINER**